

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Fred H. MILLER  
Serial No.: 10/804,576  
Filed: March 19, 2004  
For: **MULTI-PHASE, MULT-COMPARTMENT  
CAPSULAR DELIVERY APPARATUS AND  
METHODS FOR USING SAME**  
Examiner: Aradhana Sasan  
Art Unit: 1615  
Confirmation No.: 7069

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 28, 2009

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby make of record documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(b), "[b]efore the mailing of a first Office action after the filing of a request for continued examination under § 1.114." Accordingly, it is believed that no fee is due. If it is determined that any fees are due in connection with the filing of this Information Disclosure Statement, the Commissioner is authorized to charge said fee to Attorney Deposit Account No. 50-0552.

The references cited in the accompanying PTO-1449, JP Utility Model Publication (Kokai) No. 62-011135A (1987) (the translation of which available to the undersigned (partial) is enclosed) and WO 01/36290, were cited against the corresponding Japanese patent application to the present application. It is respectfully noted that the claims in the corresponding Japanese

case are directed to an encapsulation process for forming a multi-compartment capsule, and do not include all of the limitations of the presently claimed invention.

It is respectfully submitted that these references, which were first received at the office of the undersigned on December 17, 2009, are at best cumulative to art already of record and do not, either alone or in combination, render obvious the pending claims.

An early and favorable action on the merits is earnestly solicited. According to currently recommended Patent Office policy, the Examiner is specifically authorized to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

Respectfully submitted,  
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